

**REMARKS/ARGUMENTS**

Claims 26-41 were pending. Claims 26-28, 30, 31, 34, and 37-39 have been amended, and new claims 47-49 have been added. Therefore, upon entry of this amendment, which is respectfully requested, claims 26-41 and 47-49 will be pending.

The information disclosure statement (IDS) filed on 2/11/04 was objected to for failing to include a copy of non-patent literature relating to Diablo. Accordingly, a Supplemental IDS including a copy of the Diablo reference accompanies this amendment. It is respectfully requested that the Diablo reference be considered and made of record in any patent to issue from this application.

*Claim Objections:*

Claim 38 was objected to for an informality. Responsive thereto, claim 38 was amended to change "providing" to "provided".

Claims 32, 33 and 40 were indicated as being allowable if rewritten in independent form. Responsive to this rejection, these claims were rewritten as new claims 47-49. Specifically, new claims 47 and 48 correspond to prior claims 32 and 33, respectively, and new claim 49 corresponds to prior claim 40. In view of the amendments to base independent claim 26, claims 32, 33 and 40 have not been canceled herein.

*Claim Rejections:*

Claims 31 and 39 were rejected under 35 USC §112, second paragraph as being indefinite. In particular, it was stated that "the news story" in claim 31 lacked antecedent basis and that "data to related to" in claim 39 appears incomplete or confusing. Responsive to this rejection, the dependency of claim 31 has been changed to depend from claim 30 so as to provide antecedent basis for "the news story". Additionally, the first occurrence of "to" has been removed from the phrase at issue in claim 39.

Claim 26 was rejected under 35 USC §102(b) as being clearly anticipated by background admission of prior art.

Claims 26, 30, 39 and 41 were rejected under 35 USC §102(b) as being anticipated by Park (US Patent No. 5,733,131).

Claims 26-31 were rejected under 35 USC §102(b) as being clearly anticipated by Miles (US Patent No. 6,102,406).

Claims 26-27, 34-35 and 37-38 were rejected under 35 USC §102(b) as being clearly anticipated by Eichstaedt (US Patent No. 6,381,594).

Claims 34-36 were rejected under 35 USC §102(b) as being anticipated by or, in the alternative under 35 USC §103(a) as obvious over Park.

Claims 34-35 and 37-38 were rejected under 35 USC §103(a) as being unpatentable over Miles in view of Eichstaedt.

It is respectfully asserted that the cited references fail to teach or suggest the present claims. For example, none of the cited references teaches or suggests the limitation of "delivering an initial episodic game module to a plurality of user computers using a first transport mechanism, wherein the initial episodic game module comprises an initial set of technology for enabling an initial episode of content on a user computer" or the limitation of "delivering subsequent episodic game modules at periodically scheduled intervals to at least one user, wherein each subsequent episodic game module includes a content component, and wherein the content component of at least one of the subsequent episodic game modules comprises one of a clue or a task to be completed by the user and is delivered to the at least one user using a second transport mechanism different from the first transport mechanism" as recited in amended independent claim 26.

The present invention provides methods for providing entertainment content for a reality based game to users in the form of episodic game modules. An episodic game module may include a technology component and a content component. A technology component typically includes the technology required to implement the content, for example, a video player for playing a video file. A content component typically includes a portion of the storyline, such as clues, or tasks, useful for advancing to a subsequent portion or stage of the game. An example would be a video file containing a clue. An initial episodic game module will typically include the base technological components for the game. Each episodic game module may only include

a content module, for example, if no new technology component (*e.g.*, upgrades to existing technology components, or new components) is required. (See, *e.g.*, page 18, lines 5 to 8). Moreover, the episodic content provided by an episodic game module may be provided to the users through various transport mechanisms. For example, as discussed in the specification, episodic content such as a clue or a task may be provided to a user using e-mail (see, *e.g.*, page 29, lines 4 to 12), voice mail (see, *e.g.*, page 29 lines 13 to page 30, line 9), fax (see, *e.g.*, page 30 lines 9 to 18) and other transport mechanisms.

One advantage of the episodic delivery and modular component technology of the present invention is that current events can be incorporated into the game, or the entertainment content can be altered on-the-fly (in near real time). (See, *e.g.*, page 12, lines 8 to 16; and page 13, lines 14 to page 14, line 4). This can be done, for example, by incorporating information related to a current event, such as a news story, as part of the content of an episodic game module.

Regarding the cited prior art references, these references do not teach or suggest the episodic game modules as recited in the claims of the present invention. Further, it is noted that many existing games, such as the Diablo:Hellfire game, are complete games provided for users to enjoy at their own pace. Expansion packs, extensions and patches may be provided for these prior art and similar games, however, such expansion packs or patches are not the same as additional episodic game modules as recited in the present claims and described in the specification. Rather, and advantageously, the episodic game modules provide the ability for a developer to alter the entertainment content as users are experiencing the game, for example, by including a current real-world event as part of an episodic game module provided to the user. This is not possible with conventional prior art games, with or without expansion packs, patches and extensions.

Accordingly, it is believed that independent claim 26 is allowable for at least the foregoing reasons. Further, the remaining dependent claims are also allowable based at least on their dependency from allowable claim 26.

New claims 47-49 are allowable as indicated in the last Office Action.

Appl. No. 10/665,901  
Amdt. dated January 18, 2005  
Reply to Office Action of July 16, 2004

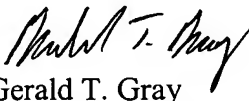
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
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